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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF JUNE 1998

BEFORE

THE HON'BLE Mr. JUSTICE H.L. DATTU

WRIT PETITIONS 9053-54/1993.

BETWEEN:

1. G.S. Bharatraj
s/o. G.M. Shivalingappa,
aged 25 years,
Junior Engineer,
K.H.B., Sagar,
Shimoga sub-division,
Sagar.

227

2. K.P. Annappa
s/o. Puttappa,
aged 28 years,
Junior Engineer,
K.H.B., Shimoga,
Sub-division,
Sagar.

... PETITIONERS

(By Sri Jayakumar S. Patil, Adv.)

AND :

1. The Karnataka Housing
Board, Cauvery Bhavan,
Bangalore, by its
Commissioner, karnataka.

2. The Executive Engineer,
Housing Board, Shimoga,
Division, Rajendranagar,
Shimoga.

3. The Asst Executive Enginner
Karnataka Housing Board,
Shimoga Sub-division,
Rajendra Nagar,
Shimoga.

... RESPONDENTS

(By Sri H.B. Narayan, Adv., for
R-1. R-2&3 are sd.)

These writ petitions are filed under
Articles 226 and 227 of the Constitution of India

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228

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with a prayer to direct the respondents to regularise their services and etc.

These writ petitions coming on for hearing this day, the Court made the following;

O R D E R

Petitioners in these writ petitions claim that they are working as Engineers on daily wage basis in the office of the first respondent Corporation. They claim that they were appointed some time in the year 1990. They also assert in these writ petitions that they are continuously working in the office of the first respondent Corporation right from the year 1990. They are before this Court for a direction to the respondents to regularise their services in the posts held by them and also for payment of salary

This Court while entertaining the writ petitions had granted interim order stay of termination except to accommodate the candidates who have been recruited on a regular basis. That interim order is still operating against the respondents.

Petitioners have not produced any material before this Court to demonstrate that they had made appropriate representations before the respondent authorities requesting them the reliefs sought in

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these writ petitions. In my view, at the first instance, petitioners ought to have approached the respondent authorities for the reliefs sought in these writ petitions. If for any reason, that request of the petitioners is not considered by the respondent authorities within a reasonable time or had been rejected by the respondent authorities then only a cause of action would arise for the petitioners to approach this Court for a direction.

In that view of the matter, these writ petitions are disposed off reserving liberty to the petitioners to make appropriate representations before the respondent authorities requesting them for regularisation of their services and also for payment of salary on par with the other regularly appointed engineers within three months from today. It is needless to say if such representations are filed by the petitioners within the time granted by this Court the respondent authorities will consider the same in accordance with law and in accordance with the observations made by the Hon'ble Supreme Court in more or less similar cases as expeditiously as possible.

The interim orders granted by this Court would enure to the benefit of the petitioners till

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the respondent authorities considers and disposes off the representations that would be filed by the petitioners.

With these observations and directions writ petitions are disposed off. Ordered accordingly.

Sd/-
JUDGE



LRS/WP9066.93/050698.